

RESPONSE UNDER 37 C.F.R. §1.111

Application Number: 10/568,505

Attorney Docket Number: 108421-00127

REMARKS

The Office Action dated March 23, 2009 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 6-8 have been rejected, claim 6 is objected to, and claims 1, 3-5 and 9 have been withdrawn. Claim 2 has been canceled. Claims 6 and 7 are amended in this response. Thus, claims 1 and 3-9 are pending in this application. Support for the amendments to claim 6 may be found in the Specification, as originally filed, at pages 15-17, Tables 1 to 3. Support for the amendments to claim 7 may be found in the Specification at page 8, paragraph [0019]. Applicants submit that no new matter is added. Applicants respectfully request reconsideration and withdrawal of all objections and rejections.

Objections to the Claims

Claim 6 is objected to because of informalities. Applicants have amended claim 6 to overcome this objection. Accordingly, Applicants respectfully request withdrawal of the objection to claim 6.

Rejection Under 35 U.S.C. §112

Claims 6-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 6 and 7 to

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overcome this rejection. Support for the amendments to claim 6 may be found in the Specification at pages 15-17, Tables 1 to 3. Applicants submit that these tables show that the Pd oxides of Manufacturing Examples 1 to 4 (in accordance with the present invention) consist of Ln_2PdO_4 supported by LnAlO_3 .

Accordingly, Applicants respectfully request withdrawal of the §112 rejection of claims 6-8.

Double Patenting

Claims 6-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 7,259,127 (hereinafter the “'127 patent”). The Office Action alleges that although the conflicting claims are not identical, they are not patentably distinct because both the instant application and the '127 patent recite the same process steps of how to prepare the purification catalyst

The '127 patent relates to Pd-based composite oxides. Applicants submit, however, that in the methods of claims 1-2 of the '127 patent, a purification catalyst in which Pd oxide consisting of Ln_2PdO_4 is supported by LnAlO_3 , where Ln is a rare-earth element, is not produced.

Thus, Applicants respectfully request reconsideration and withdrawal of the nonstatutory obviousness-type double patenting rejection of claims 1-2 of the '127 patent.

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CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108421-00127.

Respectfully submitted,



Sushupta T. Sudarshan
Registration Number 60,021

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

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